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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/659,264	09/11/2000	Raymond Anthony Joao	RJ167	5602	
:	7590 01/02/2003	_			
Raymond A Joao Esq			EXAMINER		
122 Bellevue I Yonkers, NY			RICE, KE	RICE, KENNETH R	
,			ART UNIT	PAPER NUMBER	
			3627		
			DATE MAILED: 01/02/2003	<b>,</b>	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summan	09/659,264	Joao				
Office Action Summary	Examiner Kenneth R. Ric	e Group Art Unit 3627				
-The MAILING DATE of this communication appe	ars on the cover sheet bend	eath the correspondence address-				
Period for Response						
A SHORTENED STATUTORY PERIOD FOR RESPONSE I THE MAILING DATE OF THIS COMMUNICATION.	S SET TO EXPIRE <b>3 MO</b> I	NTHS FROM				
<ul> <li>Extensions of time may be available under the provisions of 37 CFR 1.130 the mailing date of this communication.</li> <li>If the period for response specified above is less than thirty (30) days, a re</li> <li>If NO period of response is specified above, such period shall, by default,</li> <li>Failure to respond within the set or extended period for response will, by see</li> </ul>	esponse within the statutory minim expire SIX (6) MONTHS from the	num of thirty (30) days will be considered timely. the mailing date of this communication.				
Status						
<ul> <li>☑ Responsive to communication(s) filed on _11/26/02</li> <li>☑ This action is FINAL.</li> <li>☐ Since this application is in condition for allowance excepaccordance with the practice under Ex parte Quayle, 193.</li> </ul>	ot for formal matters, prosec	cution as to the merits is closed in				
Disposition of Claims						
<ul> <li>☑ Claim(s) _21-56 is/are pending in the application.</li> <li>Of the above, claim(s) is/are withdrawn from cor</li> <li>□ Claim(s) is/are allowed.</li> <li>☑ Claim(s) is/are rejected.</li> <li>□ Claim(s) is/are objected to.</li> <li>□ Claims are subject to restriction or election required.</li> </ul>						
Application Papers						
□ See the attached Notice of Draftsman's Patent Drawing R □ The proposed drawing correction, filed on is □ a □ The drawing(s) filed on is/are objected to by the E □ The specification is objected to by the Examiner. □ The oath or declaration is objected to by the Examiner.	approved   disapproved.					
Status of Priority under 35 U.S.C. § 119 (a)-(d)						
<ul> <li>□ Acknowledgment is made of a claim for foreign priority</li> <li>□ All □ Some* □ None of the CERTIFIED copies of received.</li> <li>□ received in Application No</li> <li>□ received in this national stage application from the *Certified copies not received:</li> </ul>	of the priority documents h	ave been				
Attachment(s)						
<ul> <li>□ Information Disclosure Statement(s), PTO-1449</li> <li>□ Notice of References Cited, PTO-892</li> <li>□ Notice of Draftsman's Patent Drawing Review, PTO-948</li> </ul>	☐ Notice of In	ummary, PTO-413 formal Patent Application, PTO-152				
Office Action Summary						

Part of Paper No. 5

U. S. Patent and Trademark Office PTO-326 (Rev. 3-97)

## PART III: REASONS FOR REJECTIONS AND OBJECTIONS

The following is a quotation of the appropriate paragraphs of 35 USC 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 21-56 are rejected under 35 USC 102(e) as being clearly anticipated by Benson. See below for a mapping of claim 21 to Benson. The remaining claims may be similarly mapped.

Claim 21:	Benson:
An apparatus for providing subscription information, comprising:	system 100, column 6, line 43, provides for the rental (subscription) of software
a receiver for receiving a request to receive or pick-up at least one of	rental server 107
an issue of at least one of a periodical, a newspaper, and a magazine, a good, and a service,	software applications are goods or services
at a retail facility or store pursuant to a subscription,	a retail facility or store (such as an Internet cafe) at which the customer uses the rental software is inherent
wherein the request contains information regarding the subscription;	logging on to the computer to use the software after renting it constitutes the request
a processing device for processing the request,	rental server 107
wherein the processing device determines at least one of a status of the subscription and a number of at least one of an issue of at least one of a periodical, a newspaper, and a magazine, a good, and a service, remaining to be fulfilled pursuant to the subscription, and further where in the processing device generates a message in response to the request,	column 7, lines 13-46

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wherein the message contains information regarding an authorization or a denial to provide the at least one of an issue of at least one of a periodical, a newspaper, and a magazine, a good, and a service; and column 7, lines 35-38

a transmitter for transmitting the message to a point-of-sale transaction device located at the retail facility or store. system 100 and rental server 107

Applicant's arguments filed November 26, 2002, have been fully considered but they are not deemed to be persuasive. See the comments provided with the above rejection.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 CFR 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Rice at (703) 308-3495. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 308-1113.

Kenneth R. Rice Primary Examiner Art Unit 3627